

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #12	CCRB Case #: 201903944	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/04/2019 2:32 PM	Location of Incident: 71st Precinct stationhouse	Precinct: 71	18 Mo. SOL 11/4/2020	EO SOL 6/21/2021	
Date/Time CV Reported Tue, 05/07/2019 6:50 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 05/07/2019 6:50 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Shawn Wilson	05417	956336	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Timothy Williams	04793	966908	071 PCT
2. POM Joseph Frisina	07265	961522	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Shawn Wilson	Abuse: Police Officer Shawn Wilson searched § 87(2)(b) [REDACTED] recording device.	[REDACTED]

### Case Summary

On May 7, 2019, § 87(2)(b) submitted this complaint to the CCRB via the Call Processing System.

At 2:32 p.m. on May 4, 2019, § 87(2)(b) walked into the 71<sup>st</sup> Precinct stationhouse, where he was arrested for § 87(2)(b) by Police Officer Timothy Williams of the 71<sup>st</sup> Precinct (Board Review 01). § 87(2)(b) was placed into a cell. Police Officer Shawn Wilson of the 71<sup>st</sup> Precinct allegedly unlocked § 87(2)(b) cellphone without his permission and was in possession of his unlocked phone for an unknown period of time (**Allegation A: Abuse of Authority – Search of Recording Device: § 87(2)(g)**).

The investigation obtained body-worn camera footage of this incident (Board Review 02) (Board Review 03) (Board Review 04). The investigation also obtained stationhouse footage for this case (Board Review 05). However, none of this footage captured the duration of § 87(2)(b) time in the stationhouse cells.

### Findings and Recommendations

#### **Allegation A – Abuse of Authority: Police Officer Shawn Wilson searched § 87(2)(b) recording device.**

§ 87(2)(b) provided a telephone statement on May 15, 2019 (Board Review 06) and a sworn statement on May 23, 2019 (Board Review 07). He stated that on the afternoon of May 4, 2019, he went to the 71<sup>st</sup> Precinct stationhouse. He was responding to a call from Police Officer Joseph Frisina of the 71<sup>st</sup> Precinct. § 87(2)(b) was arrested. While he was being held in the cells, he asked to make a phone call. Police Officer Wilson entered the cell area with § 87(2)(b) iPhone and handed it to § 87(2)(b). § 87(2)(b)' iPhone was unlocked. § 87(2)(b) iPhone had been locked and could only be opened with a passcode or facial recognition. Police Officer Wilson had not held the phone to § 87(2)(b) face, leading him to believe that Police Officer Wilson had obtained his passcode. § 87(2)(b) called his sister and Police Officer Wilson left without further incident.

The body-worn camera footage of Police Officer Wilson (Board Review 04), Police Officer Williams (Board Review 03), and Police Officer Frisina (Board Review 02), showed § 87(2)(b) cellphone being vouchered. The footage did not show any officer providing him with his cellphone in the cell area.

Police Officer Wilson was interviewed at the CCRB on August 30, 2019 (Board Review 08). He was not aware of any officer providing § 87(2)(b) with a cellphone while he was in a cell. He did not think he gave § 87(2)(b) his cellphone, nor did he remember doing so. He stated that prisoners would not normally be allowed to make calls from their personal cellphones, and he did not remember § 87(2)(b) doing this. Police Officer Wilson denied going through § 87(2)(b) cellphone.

Police Officer Williams was interviewed at the CCRB on August 8, 2019 (Board Review 09). He was not aware of an officer handing § 87(2)(b) his cellphone while he was in the cell. He was not aware of § 87(2)(b) cellphone being unlocked.

Police Officer Joseph Frisina was interviewed at the CCRB on September 24, 2019 (Board Review 10). He was not aware of anyone giving § 87(2)(b) a cellphone when he was in a cell.

Police Officer Wilson's memo book (Board Review 11) indicates that § 87(2)(b) was arrested by Police Officer Williams at 2:32 p.m. on May 4, 2019. It notes that § 87(2)(b) cellphone and accessories were vouchered by Police Officer Williams.

The stationhouse footage obtained by the investigation (Board Review 05) did not capture the time when § 87(2)(b) was in the cells.

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

#### **Civilian and Officer CCRB Histories**

- This is the second CCRB complaint to which § 87(2)(b) has been a party (Board Review 12).
  - § 87(2)(b) [REDACTED]  
[REDACTED]
- Police Officer Wilson has been a member-of-service for five years and has been a subject of four CCRB allegations in three complaints, none of which were substantiated. § 87(2)(g) [REDACTED]

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b) criminal case associated with this incident remains open. His next court date is scheduled for § 87(2)(b) (Board Review 13).
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- On October 24, 2019, a request for any Notices of Claim regarding this incident was submitted to the New York City Comptroller's Office. The results will be added to the case file upon receipt.

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Squad 12

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date